

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

JACKIE MOORE

PLAINTIFF

V.

CIVIL ACTION NO.: 3:13-CV-267-MPM-SAA

LIPSCOMB OIL COMPANY, INC.

DEFENDANT

ORDER

The defendant has filed a motion *in limine* to exclude the plaintiff's IT expert, Josh Beattie. Docket 118. The plaintiff originally indicated that Mr. Beattie would testify as an expert and would later prepare an export report in conjunction with that testimony [Docket 81], but plaintiff never provided an expert report. Defendant has filed to exclude Mr. Beattie's testimony as an expert witness. Although plaintiff contends that the defendant's challenge is untimely [Docket 124], she acknowledges that the Rule 26 requirements were not met and represents that Mr. Beattie will only testify as a fact witness. Docket 124. Therefore, it is

ORDERED

that the defendant's motion to exclude Josh Beattie's testimony as an expert is granted, and Mr. Beattie may testify only as to the facts to be determined by the jury, without expressing any opinion regarding those facts.

This the 10th day of March, 2015.

s/ S. Allan Alexander
UNITED STATES MAGISTRATE JUDGE